

# **Exhibit A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**SECURITIES AND EXCHANGE  
COMMISSION,**

**Plaintiff,**

**-against-**

**ROBERT J. MUELLER, DEEPROOT FUNDS  
LLC (a/k/a dprt Funds, LLC), AND POLICY  
SERVICES INC.,**

**Defendants,**

**-and-**

**DEEPROOT TECH LLC, DEEPROOT  
PINBALL LLC, DEEPROOT STUDIOS LLC,  
DEEPROOT SPORTS & ENTERTAINMENT  
LLC, DEEPROOT RE 12621 SILICON DR  
LLC, AND ROBERT J. MUELLER, JEFFREY  
L. MUELLER, AND BELINDA G. BREEN,  
AS CO-TRUSTEES OF THE MB HALE  
OHANA REVOCABLE TRUST,**

**Relief Defendants.**

**Civil Action No.: 5:21-cv-785-XR**

**DECLARATION OF CAROLINE NEWMAN SMALL**

I, Caroline Newman Small, do state under penalty of perjury as follows:

1. My name is Caroline Newman Small. I am over the age of 18, am of sound mind, and suffer from no legal or mental disabilities. I have never been convicted of a felony or of a crime or offense involving moral turpitude. I am fully competent to testify on the matters stated herein, which are within my personal knowledge, and are true and correct.

2. I am an attorney licensed to practice in the State of Texas and a partner of the law firm Davis & Santos, PLLC. I am attorney of record for Defendant, Robert J. Mueller (“**Mueller**”). I am submitting this declaration in support of Mueller’s Response to the Securities and Exchange Commission’s (the “**SEC**”) Motion for Summary Judgment.

3. Attached hereto as **Exhibit A-1** are true and correct copies of excerpts from the transcript of the deposition of Eric Dandridge taken on September 22, 2022 in the above-styled proceeding.

4. Attached hereto as **Exhibit A-2** are true and correct copies of excerpts from the transcript of the deposition of Scott Allen taken on February 16, 2023 in the above-styled proceeding.

5. Attached hereto as **Exhibit A-3** are true and correct copies of excerpts from the transcript of the deposition of Nathan Spradlin taken on March 21, 2023 in the above-styled proceeding.

6. Attached hereto as **Exhibit A-4** are true and correct copies of excerpts from the transcript of the deposition of Ken Abramson taken on June 15, 2023 in the above-styled proceeding.

7. Attached hereto as **Exhibit A-5** are true and correct copies of excerpts from the transcript of the deposition of Craig Rushforth taken on June 16, 2023 in the above-styled proceeding.

8. Attached hereto as **Exhibit A-6** are true and correct copies of excerpts from the transcript of the deposition of Dennis Concilla taken on July 12, 2023 in the above-styled proceeding.

9. Attached hereto as **Exhibit A-7** are true and correct copies of excerpts from the transcript of the deposition of Andrew Federico taken on July 13, 2023 in the above-styled proceeding.

10. Attached hereto as **Exhibit A-8** are true and correct copies of excerpts from the transcript of the recorded interview of Mueller taken prior to this lawsuit on June 23, 2021 in *In the Matter of: Deeproot 575 Fund, Inc.*, The United States Securities and Exchange Commission File No. HO-14036-A.

11. Attached hereto as **Exhibit A-9** are true and correct copies of excerpts from the transcript of the deposition of Mueller taken on March 9, 2023 in the above-styled proceeding.

12. Attached hereto as **Exhibit A-10** is a true and correct copy of an April 22, 2013 e-mail from Dennis Concilla including its attachment, produced in this litigation as SEC-PulmanR-E-0000001; 0000004-0000005.

13. Attached hereto as **Exhibit A-11** is a true and correct copy of deeproot Family of Companies Investment Portfolio Narrative 2020.B2, produced in this litigation as SEC-DEEPROOT-E-0013223 to 0013236.

14. Attached hereto as **Exhibit A-12** is a true and correct copy of an October 21, 2019 e-mail from Russell Putnam including its attachments, produced in this litigation as SEC-DEEPROOT-E-0152501 to 0152560.

15. Attached hereto as **Exhibit A-13** is a true and correct copy of Contingent Pledge and Security Agreement, produced in this litigation as SEC-DEEPROOT-E-0213967 to 0213979.

16. Attached hereto as **Exhibit A-14** is a true and correct copy of the March 17, 2023 e-mail from Kristen Warden to counsel for Mueller in this litigation.

17. Attached hereto as **Exhibit A-15** is a true and correct copy of Mueller's Expert Designations in this litigation dated April 6, 2023.

18. Attached hereto as **Exhibit A-16** is a true and correct copy of the SEC's Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1)(A) dated April 15, 2022 in this litigation.

19. Attached hereto as **Exhibit A-17** is a true and correct copy of the SEC's Amended Initial Disclosures dated November 14, 2022 in this litigation.

20. Attached hereto as **Exhibit A-18** is a true and correct copy of Mueller's Objections and Responses to Plaintiff's First Set of Interrogatories dated August 19, 2022 from this litigation.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing statements are true and accurate.

DATED: September 18, 2023.

  
Caroline Newman Small